

Message

**From:** Schwab, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]  
**Sent:** 4/24/2018 9:38:13 PM  
**To:** Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Yamada, Richard (Yujiro) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4c34a1e0345e4d26b361b5031430639d-Yamada, Yuj]  
**CC:** Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]  
**Subject:** RE: 'secret science' proposal

**Deliberative Process / Ex. 5**

**ATTORNEY CLIENT COMMUNICATIONS  
DELIBERATIVE**

First, we can direct them to the proposal itself.

Page 11 of the PDF: "This proposed regulation is intended to apply prospectively to final regulations that are determined to be 'significant regulatory actions' pursuant to E.O. 12866. The Agency's offices should be guided by this policy to the maximum extent practicable during ongoing regulatory action, even where such research has already been generated, solicited, or obtained."

# Attorney Client / Ex. 5

**From:** Beck, Nancy  
**Sent:** Tuesday, April 24, 2018 5:29 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>  
**Cc:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** RE: 'secret science' proposal

Looping in Justin

Nancy B. Beck, Ph.D., DABT  
Deputy Assistant Administrator, OCSPP  
P: 202-564-1273

M: **Personal Matters / Ex. 6**

[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

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**From:** Bowman, Liz

**Sent:** Tuesday, April 24, 2018 5:17 PM

**To:** Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Woods, Clint <[woods.clint@epa.gov](mailto:woods.clint@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Yamada, Richard (Yujiro) <[yamada.richard@epa.gov](mailto:yamada.richard@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>

**Cc:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Subject:** FW: 'secret science' proposal

This is a good question, and one I am sure we will get from others – can this new proposal affect regulations retroactively?

Thank you, Liz

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**From:** [Richard.Valdmanis@thomsonreuters.com](mailto:Richard.Valdmanis@thomsonreuters.com) [<mailto:Richard.Valdmanis@thomsonreuters.com>]

**Sent:** Tuesday, April 24, 2018 4:45 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Cc:** [timothy.gardner@thomsonreuters.com](mailto:timothy.gardner@thomsonreuters.com); [valerie.volcovici@thomsonreuters.com](mailto:valerie.volcovici@thomsonreuters.com)

**Subject:** 'secret science' proposal

Liz, Jahan – This may be a very silly question, but I have to ask. Could today's proposed change to the types of research EPA can consider in rule-making be used to rescind existing rules and regulations? In other words, could it be applied retroactively? Or is it specifically for future action?

Thanks kindly,

Rich